

# THE DURRANT LAW FIRM

July 16, 2023

Via ECF

Hon. Sarah L. Cave  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 18A  
New York, NY 10007-1312

Re: *NIKE v. BY KIIY, et al.* – 1:23-cv-02431-VM (S.D.N.Y.) – 30(b)(6) Deposition of Nike

Dear Judge Cave:

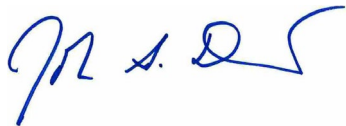
Defendants write to update Your Honor regarding the status regarding Defendants' 30(b)(6) Notice to Nike. By an email received earlier today (Sunday), Defendants understand that Nike is now willing to agree to a 30(b)(6) deposition, but says it can only "prepare and designate witnesses to testify" regarding the following topics:

- Nickwon Arvinger, David Weeks, By Kiy, and/or By Kiy Sneaker(s) and internal Nike Documents concerning each of them.
- Any inspection of any By Kiy Sneaker by Nike.
- When Nike became aware of By Kiy's products.
- Nike's design and development process for the Jordan-1 sneakers.
- Facts related to the marketing, advertising, or promotion of the Jordan-1 sneakers.

While the willingness to have a 30(b)(6) deposition is a positive development, the scope is very narrow and excludes important topics.

Nevertheless, in the spirit of compromise, Defendants have served a Second Amended Deposition Notice that narrows the topics. Attached is a redline reflecting the changes.

Respectfully submitted,



John Durrant, Esq.  
THE DURRANT LAW FIRM, APC

CC: ZAKARI KURTZ, ESQ.